

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOLLAND HARDAWAY,

Petitioner,

v.

CASE NO. 2:01-cv-70230  
HONORABLE GEORGE CARAM STEEH

KENNY ROBINSON,

Respondent.

\_\_\_\_\_ /

**ORDER DENYING PETITIONER'S MOTION FOR BOND**

On May 19, 2011, the United States Court of Appeals for the Sixth Circuit reversed in part this Court's denial of petitioner's application for habeas corpus relief. The Court of Appeals remanded petitioner's case to this Court with instructions to issue a conditional writ of habeas corpus directing the State to afford petitioner a direct appeal. On June 23, 2011, this Court complied with the decision of the Court of Appeals and ordered the State to release petitioner unless it granted him an appeal of right within sixty days.

Currently pending before the Court is petitioner's motion for release on bond while his case is under review in the Michigan Court of Appeals. Petitioner was convicted of second-degree murder in 1994, and he alleges that he has been incarcerated for seventeen years. He anticipates that it will be another two years or more before the Michigan Court of Appeals issues a decision in his case.

Although this Court granted a conditional writ of habeas corpus, petitioner has

not been granted a new trial; instead, he has been granted an appeal of right in the Michigan Court of Appeals. "A state prisoner has no absolute federal Constitutional right to bail pending appeal." *Bloss v. Michigan*, 421 F.2d 903, 905 (6th Cir. 1970). Furthermore, petitioner can apply to the state court for bail. See Mich. Comp. Laws § 770.9a(2); Mich. Ct. R. 7.209(A)(2). This Court declines to interfere with the state court's determination on whether bail is appropriate and, if so, the amount of bail required to ensure petitioner's presence while his appeal is pending. Accordingly, petitioner's motion for bond [dkt. #73] is **DENIED**.

Dated: August 2, 2011

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 2, 2011, by electronic and/or ordinary mail and also to Holland Hardaway at Mound Correctional Facility, 17601 Mound Road, Detroit, MI 48212.

S/Josephine Chaffee  
Deputy Clerk